REMARKS

Claims 1-3 and 31-45 are currently pending in the present application.

Rejection under 35 U.S.C. § 103

Claims 1-3 and 31-45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Asano* (US 6,477,577) in view of *Klaus* (US 5,892,903). Applicant respectfully traverses such rejection.

Claim 1 (and similarly Claims 34 and 40) recites steps of "determining whether or not said IP datagram is a socks connect message," "in response to a determination that said IP datagram is a socks connect message, determining from said IP datagram an Application Level protocol (ALP) transported by a socks connection, locating from a type of service (TOS) definition table a record corresponding to said ALP of said IP datagram, and determining from said located record a TOS value," and "subsequently writing said determined TOS value into said TOS field of said IP datagram, wherein said TOS value is based on said ALP transported by said socks connection."

On page 2 of the Final Office Action, the Examiner asserts that the claimed determining whether or not said IP datagram step and the claimed subsequently writing said determined TOS value step are disclosed by *Asano* in col. 6, lines 39-48 and col. 9, lines 32-44, respectively. Col. 6, lines 39-48 of *Asano* states

> As a connection substitute server 22, a socks server which is used in the internet can be used as it is. FIG. 1 shows a construction when the connection substitute correspondence client 10 provided for the organization 100 requests a communication to the host 24 having the informal address 38 provided for the other organization 200. The connection substitute correspondence client 10 has a formal address and can be realized by newly adding the function of the invention to an ordinary socks client.

The above-cited passage does not mention any type of determination. Thus, the above-cited passage does not teach or suggest the claimed determining whether or not said IP datagram step.

Col. 9, lines 32-44 of *Asano* states

The formal address of the internet is known as an IP address and the address space of 32 bits is divided into a network portion and a host portion and is used. The IP address space is fundamentally divided into three kinds of classes A, B, and C in accordance with a scale of the network. The IP addresses in FIG. 3 are shown with respect to the class B as an example. A range of the network numbers of the class B is set to a range of 128.1.0.0~191.254.0.0. Therefore, "133.160" of the IP address corresponds to the network portion and denotes the organization "fujitsu". Next "28.1" corresponds to the address portion in the network and, for example, 1.1.~ 254.254 can be used.

The above-cited passage does not mention any TOS value. Consequently, the above-cited passage does not teach or suggest the claimed subsequently writing said determined TOS value step.

The Examiner agrees that *Asano* does not disclose the steps that are to be performed in response to a determination that the IP datagram is a socks connect message, such as "determining from said IP datagram an Application Level protocol (ALP) transported by a socks connection," "locating from a type of service (TOS) definition table a record corresponding to said ALP of said IP datagram," and "determining from said located record a TOS value." However, on page 3 of the Final Office Action, the Examiner asserts that the above-mentioned three steps are disclosed by *Klaus*.

Regardless of whether or not *Klaus* discloses the above-mentioned three steps, if *Asano* has actually disclosed the claimed determining whether or not said IP datagram step, *Asano* would have provided some type of responses to such determination. The fact that no response from *Asano* is given by the Examiner means that either *Asano* does not disclose the claimed determining whether or not said IP datagram step or the response to such determination is contrary to the claimed responses. Because the cited references, whether considered separately or in combination, do not teach or suggest the claimed invention, the § 103 rejection is believed to be overcome.

CONCLUSION

Claims 1-3 and 31-45 are currently pending in the present application. For the reasons stated above, Applicant believes that independent Claims 1, 34 and 40 along with their respective dependent claims are in condition for allowance. The remaining prior art cited by the Examiner but not relied upon has been reviewed and is not believed to show or suggest the claimed invention.

No fee or extension of time is believed to be necessary; however, in the event that any fee or extension of time is required for the prosecution of this application, please charge it against IBM Deposit Account No. 09-0457.

Respectfully submitted,
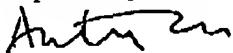
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